

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LYESHA CLARK, Individually, and as Parent :
and Natural Guardian of Z. C., a minor, and :
LILLIE MAE STUBBS : CIVIL ACTION NO. 19-cv-01579-RBS
v. :
OFFICER DWAYNE MERRELL, Badge :
#7807 c/o CITY OF PHILADELPHIA :
POLICE DEPARTMENT and CITY OF :
PHILADELPHIA :

NOTICE OF APPEAL

Notice is given that defendant, Officer Dwayne Merrell, hereby appeals to the United States Court of Appeals for the Third Circuit from the Order of the Honorable R. Barclay Surrick, entered on February 19, 2025, which denied defendant Merrell's Motion for Summary Judgment presented on the basis of qualified immunity. The order is a final decision immediately appealable under the collateral order doctrine as it denied defendant Merrell qualified immunity. See Mitchell v. Forsyth, 472 U.S. 511, 525–30 (1985) (permitting interlocutory appeals of the denial of qualified immunity under the collateral order doctrine as a final decision).

Respectfully submitted,

BENNETT, BRICKLIN & SALTZBURG LLC

BY: /s/ Nicholas A. Cummins

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Date: March 18, 2025

Attorney for Defendant, Dwayne Merrell

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Notice of Appeal was served on this date on all counsel by way of electronic filing with the Court.

Respectfully submitted,

BENNETT, BRICKLIN & SALTZBURG LLC

745

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Date: March 18, 2025